



PUBLIC NOTICE

File Number: NR15MS.003

Pursuant to Chapter 0400-40-07 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

APPLICANT: Mr. Trevor Martin, Environmental Program Manager
TDEC Division of Water Resources – Land Reclamation Section
3711 Middlebrook Pike
Knoxville, TN 37921

LOCATION: Perry Simmons Reclamation Project
Salzer Mountain Road
Van Buren County, TN
Latitude: 35.75413, Longitude: -85.27678

PROJECT DESCRIPTION/PURPOSE: TDEC Division of Water Resources – Land Reclamation Section has applied for a new Individual Aquatic Resource Alteration Permit for its Perry Simmons Land Reclamation Project. The proposed activity would restore approximately 3150 feet of stream channel that has been eliminated or significantly altered by pre-law mining. The project includes an additional 3470 feet of riparian enhancements in stream reaches that have been altered by pre law mining.

The Land Reclamation Section reclaims features previously disturbed by mining that are determined to be human health and safety hazards (e.g., pits, highwalls, spoil piles, gob piles, etc.). These activities are conducted with federal funds administered via the United States Department of Interior's Office of Surface Mining Reclamation and Enforcement (OSMRE). Projects are conducted only after extensive consultation and review by various federal and state agencies (e.g., OSMRE, USFWS, USACOE, TWRA, TDEC, etc.). The proposed stream restoration and enhancement activities are incidental to the elimination of the safety hazards and provide ecological lift to waters degraded by pre-law mining.

The proposed project site has been evaluated and the supporting plans developed to avoid and minimize any new impacts to waters. The proposed project limits stream reconstruction activities to approximately 1400 feet of headwaters in a pre-law mine pit. Additionally, flow from inundated abandoned mine pits will be restored into approximately 2000 feet of existing abandoned stream channel. The flow was diverted from the stream channel into the pits as a result of pre-law mining. The restoration reach will use the existing channel and habitat structure and will require no in-stream modification. All other proposed activities are limited to riparian enhancement and will be conducted outside of state jurisdictional waters. The enhancement

activities include pulling spoils away from the stream bank, grading and reshaping of the bank. In each restoration and enhancement stream reach the reshaped bank will be planted with a mix of native trees and shrub species suitable for use by wildlife.

This project is projected to have only minimal impacts to waters, which are addressed in the submitted plans.

DEGRADATION: In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has determined that the proposed activities will not result in degradation to water quality.

WATERSHED/WATERBODY DESCRIPTION: Glade Creek is in the Caney Fork River watershed (HUC 05130108). Glade Creek is classified as Exceptional Tennessee Waters (ETW) and provides habitat for the crayfish, *Cambarus pristinus* (state listed as endangered). None of the proposed alterations are to occur in Glade Creek. The Division has determined that the affected stream reaches are unnamed tributaries to Glade Creek are not classified as Exceptional Tennessee Waters (ETW).

Stream Name/ID #: Unnamed Tributary to Glade Creek TN05130108

Impacts: Stream Restoration and Riparian Enhancement

Ecoregion: Cumberland Plateau, ecoregion 68A

Designated Use	Use Support	Causes
fish and aquatic life		
recreation		
industrial water supply		
irrigation		
livestock watering & wildlife		

Stream Name/ID #: Unnamed Tributary to Glade Creek TN05130108

Impacts: Riparian Enhancement

Ecoregion: Cumberland Plateau, ecoregion 68A

Designated Use	Use Support	Causes
fish and aquatic life	Not Assessed	
recreation	Not Assessed	
industrial water supply	Not Assessed	
irrigation	Not Assessed	
livestock watering & wildlife	Not Assessed	

PERMIT COORDINATOR: Dan Murray

FACTORS CONSIDERED: In deciding whether to issue or deny a permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The Division shall consider practicable alternatives to the alteration. The Division shall also consider loss of waters or habitat,

diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

COMMENTING: Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Division's address listed below and to the attention of the permit coordinator.

PUBLIC HEARING: Interested persons may request in writing that the Division hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing. Send all public hearing requests to the Division's address listed below and to the attention of the permit coordinator.

APPEAL: Please be advised that a petition for permit appeal may be filed, pursuant to *T.C.A. Section 69-3-105, subsection (i)* and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas. A copy of the filing should also be sent to TDEC's Office of General Counsel. The mailing addresses follow:

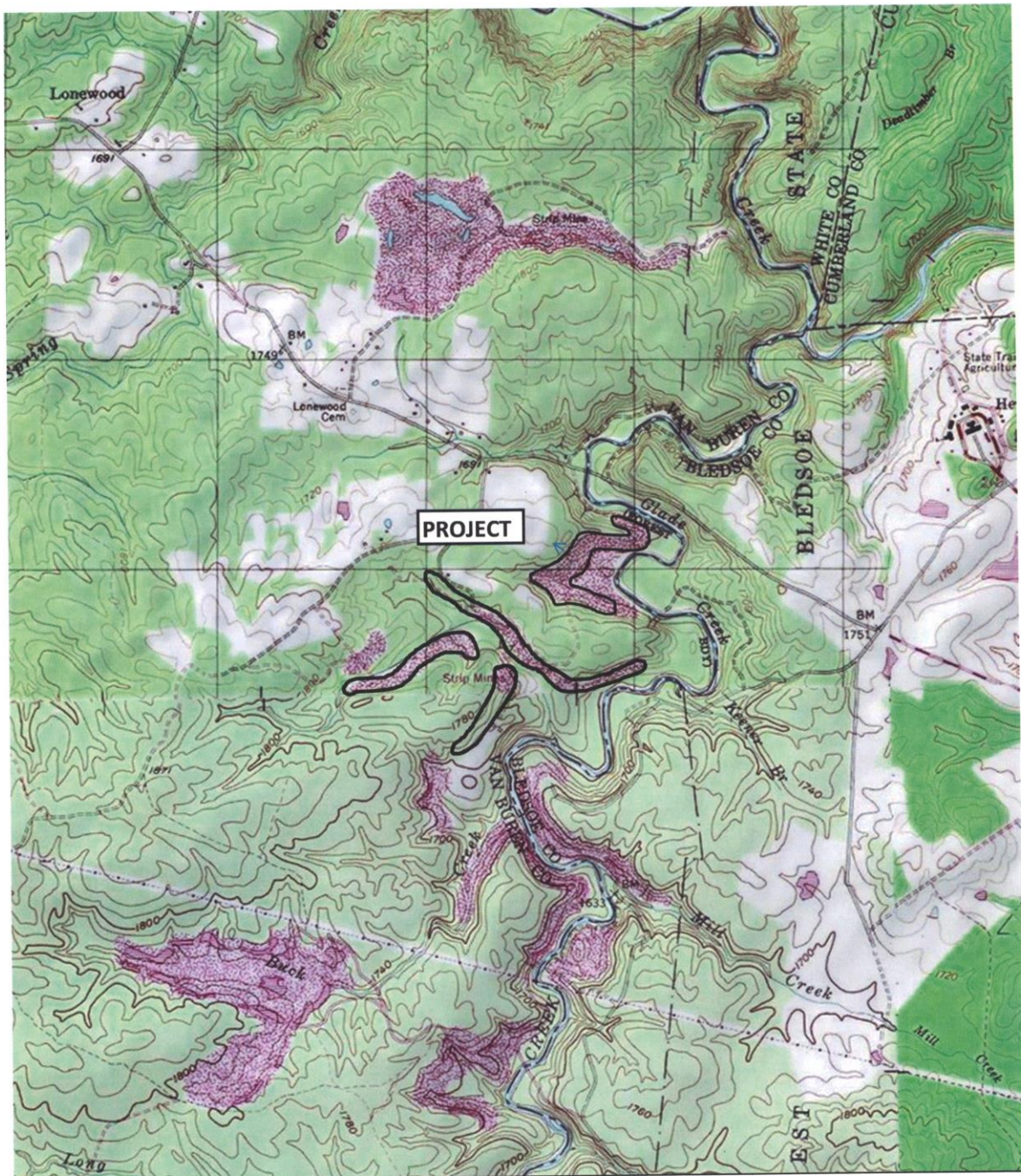
Tisha Calabrese Benton
Acting Technical Secretary
Board of Water Quality, Oil and Gas
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 12th Floor
Nashville, TN 37243-1102

Mr. E. Joseph Sanders, Chief Counsel
Office of General Counsel
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, TN 37243-1102

Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

FILE REVIEW: The permit application, supporting documentation including detailed plans and maps, and related comments are available at the Division's address (listed below) for review and/or copying.

Kara Blevins (865-594-5460)
Tennessee Department of Environment & Conservation
Division of Water Resources
Mining Section
3711 Middlebrook Pike
Knoxville, TN 37921-6538



PERRY SIMMONS RECLAMATION PROJECT
VAN BUREN COUNTY
LONEWOOD QUAD (332 SE)

